

A comparative analysis of the changes
introduced to the law governing
Indonesia's House of Representatives
(DPR RI).

A Critical Review of the 2014 MD3 Law

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A Critical Review of the Law Governing MPR, DPR, DPD and DPRD (MD3) year 2014

Overview

The MD3 law of 2014 is an evolution of the law number 27 of the year 2009 under the same title.

This law allocates 179 articles governing DPR, up from 154 in the 2009 law. The biggest contributor to the addition is the 31 articles governing the Court of Parliamentary Ethics (Mahkamah Kehormatan Dewan /MKD) which replaces the previous Ethics Committee (Badan Kehormatan/ BK), covered in 7 articles in the previous law.

The DPR structure undergoes notable changes. The State Finance Accountability Committee (Badan Akuntabilitas Keuangan Negara/ BAKN) established in 2009, is dissolved in the current law. The roles of BAKN in budget performance oversight is distributed to Commissions (Komisi) and individual Members of DPR. BK is replaced by a more powerful MKD.

Fundamental changes in the law are:

1. The mechanism to elect the leadership of DPR and its organs;
2. DPR resolutions, conclusions and recommendations are now binding and become compulsory to be followed up by those concerned. Those who neglect or fail to comply with, will be subject to sanctions;
3. Decision making mechanism in the enforcement of the Rights to Express Opinion (Hak Menyatakan Pendapat), the initial stage to impeach the President and/or Vice President;
4. DPR's autonomy in formulating its own budget and standards of operating costs;
5. In the Budget Debate, DPR's authority is now limited to scrutinize details relating to organizational units, functions and programs. Constitutional Court jurisdiction abolished DPR's rights to stipulate Activities and Categories of Expenditure, commonly known as Satuan Tiga (the Third Level);
6. The expansion in the number of Badan Legislasi/ BALEG (Legislation Committee) members;
7. Affirmation of DPR Members' rights to propose and advocate for programs on behalf of his/ her electoral district;
8. A more extensive privilege of immunity for DPR Members;
9. DPR's autonomy in processing criminal charge summons and investigations on its Members;
10. Women representation is not addressed anymore as a consideration in establishing the leadership of DPR organs.

Comparison of Law no. 27, 2009 against MD3 Law 2014

No.	Description	2009	2014	(+ / -)
1	Number of Chapters/ Sections	10	10	0
2	Number of Articles	408	428	20
3	Articles on – General Issues	18	17	-1
4	Articles on - MPR	65	65	0
5	Articles on - DPR	154	179	25
6	Articles on - DPD	69	68	-1
7	Articles on - DPRD Provincial	51	49	-2
8	Articles on - DPRD Regency/ Municipal	51	50	-1

No.	Structure of DPR	2009	2014	(+ / -)	Note
1	Permanent Organs	9	8	-1	BAKN Disbanded
2	Ad hoc Organs	1	1	0	Panitia Khusus/ Special Committees
	Allocation of Articles				
3	Structure and Standing	2	2	0	
4	Function	2	2	0	
5	Authority and Duty	3	5	2	
6	Membership	3	3	0	
7	Rights/ Instruments of DPR	1	1	0	
8	Privileges and Responsibilities of DPR Members	2	2	0	
9	Party Caucus/ Fraksi	1	1	0	
10	DPR Organ - Introduction	1	1	0	
11	DPR Leadership/ Speakership	5	5	0	
12	Deliberation Committee/ Badan Musyawarah (BAMUS)	6	6	0	
13	Commission/ Komisi	6	7	1	
14	Legislation Committee/ Badan Legislasi	5	5	0	
15	Budget Committee/ Badan Anggaran	6	6	0	
16	State Finance Accountability Committee/ BAKN	7		-7	
17	Inter-Parliamentary Cooperation Committee/ Badan Kerjasama Antar Parlemen (BKSAP)	6	6	0	
18	Ethics Committee/ Badan Kehormatan	7		-7	Dissolved
19	Court of Parliamentary Ethics/ Mahkamah Kehormatan Dewan (MKD)		31	31	New
20	Household Committee/ Badan Urusan Rumah Tangga (BURT)	6	6	0	

21	Special Committee/ Panitia Khusus	6	6	0	
22	Legislation	13	14	1	
23	Budget formulation	9	9	0	
24	Appraisal of Candidates for Certain Posts	9	9	0	
25	Implementation of the Rights of Inquest/ Interpelasi	4	5	1	
26	Implementation of the Rights of Investigation/ Angket	7	11	4	
27	Implementation of the Rights to Express Opinion/ Menyatakan Pendapat	6	7	1	
28	Implementation of the Privileges of Individual Members	9	11	2	
29	Hearings and Decision Making	7	6	-1	
30	Code of Procedures and Code of Ethics	2	2	0	
31	Prohibition and Sanction	5	3	-2	
32	Termination and Substitution	7	6	-1	
33	Criminal Investigation	1	1	0	
	Total	154	179	25	

The law demonstrates the spirit to strengthen the bond between DPR Members and their constituents, which thus far tends to be neglected. Up to now, DPR Members' activities are nestled under Fraksi and Komisi, without adequate authority and facilities to directly address the needs of constituents and electoral districts.

The law underlines DPR's autonomy in formulating its own budget, which is a significant progress in realizing a parliament which is independent from the executives. DPR's desire for independence is also apparent in the elimination of Presidential Consent for criminal charge summons and investigations towards DPR Members. In lieu, the consent of the Mahkamah Kehormatan Dewan, is now required.

DPR Members enjoy a more extensive immunity. The law grants this exclusive privilege for DPR Members, not available for members of MPR, DPD and DPRD. This, however, is susceptible to abuse and may provide protection to DPR Members involved in abuse of power and corruption. The risk is further enhanced by the requirement of written consent from the Mahkamah Kehormatan Dewan for summons and investigation of DPR Members suspected of crime.

There are sections with contradicting articles, placement of articles in inappropriate chapter, as well as too much detail which will be better accommodated in a separate order of proceedings. These all contribute to the impression that this law was now systematically written and might have been hastily passed.

This law governs a very extensive scope of legislative institutions. In the future, it may be better to have two separate laws. One law to govern national legislatures, consisting MPR, DPR and DPD, with another law to govern Provincial DPRD and Regency/ Municipal DPRD. The separation will better accommodate the differences in status, function and authority. Furthermore, the specific characteristics of regional autonomy governance could be more effectively addressed under a separate law on regional legislatures.

Highlights

Significant changes that deserve special mentions are:

1. Liquidation of BAKN;
2. Establishment of the powerful Mahkamah Kehormatan Dewan;
3. Mechanism to elect the leadership of DPR and DPR organs.

Liquidation of BAKN

BAKN was established in 2009 as a permanent organ of the DPR, but the 2014 MD3 law disbands it. The roles of BAKN in reviewing and following up on the reports of BPK inspection, are delegated to Komisi and individual DPR Members.

However, it should be noted that in performing its duties, BAKN was supported by the services of accountants, financial analysts and researchers. Similar facilities for Komisi and DPR Members are not specifically addressed in this law.

Taking into consideration the wide ranging duties of Komisi and the limited resources available to it, reviewing and following up on BPK findings may prove to be a serious challenge for Komisi. That was the condition prior to 2009 which led to the establishment of BAKN.

The function of oversight is added to the rights and privileges of DPR Members, and its mechanism is elaborated in article 227. However, the Members' oversight function is focused more on the implementation of the national budget, specifically concerning Activities and Categories of Expenditure, especially those allocated to the Members' constituents and electoral district. Without adequate support, it is questionable how DPR Members can carry out the oversight function in a systematic and effective manner.

Below is the comparison chart of oversight function by BAKN, Komisi and DPR Members as governed by law number 27, 2009 and the 2014 MD3 law.

Comparison of Oversight Function by BAKN, Komisi & DPR Members

	2009	2014
BAKN	Review of the findings of BPK inspections as part of DPR's role in following up on BPK findings on the management and accountability of state finance (article 71 subsection n);	
	To submit the outcome of the review to relevant Komisi;	
	Upon request from Komisi, BAKN follows up on Komisi's resolution and recommendation on BPK findings;	

	<i>To provide advice to BPK regarding annual work plan, impediments in inspections, as well as the presentation and quality of BPK Reports;</i>	
	BAKN may recommend Komisi to request further BPK inspections;	
	BAKN may be supported by accountants, experts, financial analysts and/or researchers	
Komisi	Oversight on the implementation of passed legislations, including the national budget, and their implementing regulations;	Same
	To assess and follow up on BPK findings;	Same
	To monitor and evaluate executive's policies;	Same
	To review and follow up on the proposals submitted by DPD;	Same
		<i>To provide advice to BPK regarding annual work plan, impediments in inspections, as well as the presentation and quality of BPK Reports (Article 98 subsection 3 letter c)</i>
Member	Rights and Privileges of DPR Members (Article 78)	Rights and Privileges of DPR Members (Article 80)
	To propose a draft Bill;	Same
	To question/ demand an explanation;	Same
	To propose and suggest;	Same
	To nominate, elect and be elected;	Same
	Self-defence;	Same
	Immunity;	Same
	Protocol;	Same
	Finance and administrative.	Same
		<i>Oversight;</i>
		To propose and lobby for programs of developments for electoral district;
		Dissemination of passed legislation.

The Authority of the Court of Parliamentary Ethics (MKD)

Article 220 in law number 27, 2009, stipulates that summons and interrogations of DPR Members suspected of a crime can only be done with a written consent from the President, as the head of state. Presidential consent is required as DPR Members are State Officials.

However, in article 245 of the 2014 MD3 Law, states that that summons and interrogations of DPR Members suspected of a crime requires a written consent from Court of Parliamentary Ethics/ Mahkamah Kehormatan Dewan, instead of the President.

From one perspective, this can be seen as a signal of DPR's effort to be independent from the executives. From another angle, however, one may question whether the Court of Parliamentary Ethics can be on equal standing as the President as the Head of State. While institutionally DPR as a legislature is on equal standing with the President, representing the executives, in the political structure of Indonesia, the Court as a sub-institution of DPR cannot assume equal legal and political standing as the President.

The change in the procedures can pose legal problems as it ventures far beyond the authority of DPR, into Criminal Law and Criminal Law Proceeding.

Mechanism to elect the leadership of DPR and its organs

Article 84 points 1 and 2 of this law regulates that the Speaker and Deputy Speakers of DPR will be elected by DPR Members in the plenary session. Candidates will be nominated in one permanent package. This method does away the number of DPR seats secured by a party, as was done in 2009, which automatically granted the Speakership of DPR to the party which won the largest number of DPR seats in the election.

The method adopted in the 2014 law is similar to the one implemented to determine the Speaker and Deputy Speakers of DPR in the 2004-2009 period. However, the method was applicable only in the election of DPR Speaker and Deputy Speakers, while leadership of Committees and Commissions were determined by a consensus based on the number of seats each party secured in the election. In the 2014 MD3law, the method is applied to all organs of DPR.

The change in mechanism to "Elect as 1 Package" disregarding the number of seats of the parties, opens the prospect of a coalition of parties consisting of 280 DPR members or more, doing a clean sweep of the leadership of all DPR organs including the Speaker and Deputy Speakers.

Legal Consideration

In the legal consideration (Menimbang) section of the law, it is stated development in the legal environment and the need for public law as basis for the need to change law number 27, 2009. An essential development in the legal environment is verdict number 35/PUU-XI/2013 of the Constitutional Court, dated 28 May 2014, which restricts DPR role in the Budget Debate. DPR can now scrutinize the proposed budget only to the level of Organizational Unit, Function and

Program, leaving out Activities and Categories of Expenditure, previously known as “Satuan Tiga/ The Third Level”.

It is questionable why the Constitutional Court’s verdict is not indicated as one of the legal considerations of the new MD3 law.

DPR Function

In article 69 point 2, it is stated that one of the functions of DPR is “to support Government’s efforts in implementing international relations/ politics as governed by relevant laws”. This statement expresses DPR’s emphasis on strengthening Indonesia’s role in the international relations and cooperation.

Authority and Duty

Compared to law number 27, 2009, the 2014 MD3 law is more systematic in elaborating the Authority and Duty of DPR. In the previous law, both Authority and Duty were covered in a single article, article 71. The 2014 MD3 law regulates the Authority of DPR in article 71 and the Duty in article 72.

Article 72 point d states that executive’s policies are now within the scope of DPR oversight. This aspect was not found in the previous law.

The law also elaborates in better detail the execution of DPR’s Authority and Duty.

There is a change in the treatment of State Officials, Government/ Executive Officials and members of public who fail to show up in DPR after the 3rd summon by DPR. In the previous law, members of public are treated the same as State or Government Officials. Those who fail to show up will be subject to arrest by police and be forced to appear before relevant DPR forum. In the 2014 law, should State/ Government Officials fail to comply with the summon, DPR may use DPR Rights as well as the rights and privileges of DPR Members (article 73 point 3)

Treatment for legal entity and/or members of public who fail to respond to DPR summons is separately administered in article 73 point 4.

The duration of detention of members of public subject to the arrest, is also changed from a maximum of 15 days previously, into a maximum of 30 days in the new law.

The 2014 MD3 law clearly stipulates that DPR recommendations are compulsory to be followed up by state officials, executive officials and members of public (article 74). Should any Official ignore DPR recommendations, DPR may exercise its rights/ political instruments and demand that the President impose administrative sanctions to the officials.

In the case of legal entities and/ or members of public ignoring DPR recommendations, DPR may demand relevant government agencies to impose sanctions to the offenders.

Fundamental development in DPR’s autonomy in formulating its own budget is explicitly mentioned in article 75 and subsequent articles. On the other side, however, the role of Household Committee / BURT in the oversight of DPR budget management by DPR Secretariat General does not appear anymore in the law. Similarly, DPR’s obligation to make a public report

about its budget management in the annual performance report, as was stated in article 73 point 5 in the 2009 law, does not exist in the new law.

Membership

Compared to the previous law, the 2014 law (article 76) more clearly indicates that every DPR member, except those holding the posts of MPR leadership and DPR leadership, is required to become a member of a Commission (Komisi) and may also become a member of one of DPR's permanent organs, except for Deliberation Committee (Badan Musyawarah/ BAMUS).

Rights of DPR/ political instruments

There is no change in DPR's rights/ political instruments. However, there are changes in the procedures of implementation. The law elaborates in greater details on the procedures.

Rights of Inquest (Interpelasi) which was specifically directed to demand clarification from the President, is now extended to Leadership of Governmental Institutions (Ministers), as stated in articles 196 and 197.

Article 204 points 4 and 5 specifically define the relationship between DPR and the National Police in enforcing detention of those who fail to comply with DPR summons, especially in the implementation of the Rights of Investigation (Hak Angket).

Correspondingly, DPR resolution on the results of the implementation of the Rights of Investigation is described in more detailed. Article 208 point 4 states that DPR resolution has to be delivered to the President within 7 days from the date it is passed in the DPR plenary.

The implementation of the Rights to Express Opinion (Hak Menyatakan Pendapat) undergoes a major change. In the previous law, the proposal to exercise the Rights to Express Opinion will have to be approved by a plenary attended by a minimum of $\frac{3}{4}$ (three quarter) of the total DPR Members and be endorsed by a minimum of $\frac{3}{4}$ (three quarter) of the DPR Members present in the plenary. The 2014 law lowers the requirement to a plenary attended by $\frac{2}{3}$ (two third) of the total DPR Members and endorsement from $\frac{2}{3}$ (two third) of the DPR Members present in the plenary (article 210 point 3).

The change makes it easier for DPR to express its opinion to the executives and to submit a proposal of impeachment of the President and/ or Vice President, to the Constitutional Court.

Rights and Privileges of DPR Members:

A major change is also found in the rights of DPR Member to Question. Previously the Question could only be directed to the President. The new law extends the rights to include Questions to Leaders of Governmental Institutions (Ministers) and leaders of legal entities (corporation).

The 2009 law regulates that the question directed to the President cannot be made available to public before it is delivered to the President. The new law allows the Speaker of DPR to declare it open to public as long as the question is open in nature or is not declared confidential by the DPR Member exercising his/ her rights (article 218).

The law stipulates that answer to the question posed by DPR Member has to be submitted in writing by the President, or leader of governmental institution, or leader of legal entity, within 30 days (article 219). This was not regulated in the previous law.

Another major change is in the implementation of the privilege of immunity for DPR Members. In the previous law, the immunity encompasses Questions, Statements and Opinion expressed verbally or in writing, during or outside of DPR hearings, in relations to the function, authority and duty of DPR. The 2014 law grants a more extensive immunity to DPR Members, adding “Attitude, Action and Activities” (article 224 point 2) to the categories already stated in the previous law.

Further immunity is also found in the process of summons and questioning of DPR Members suspected of a crime. The summons must go through the Court of Parliamentary Ethics, which will then decide within 30 days whether or not to issue a written formal consent. In the event the Court does not issue the consent, the summons is deemed legally null and void (articles 224 points 5, 6 and 7).

It should be noted that the extension of immunity applies only to DPR Members. Members of MPR, DPD and DPRD do not enjoy the additional privilege.

The rights of Oversight (article 80 subsection i and article 227) is a new privilege for DPR Members, not available in the previous law. This law grants authority to DPR Members to closely observe the implementation of national budget and to propose public programs for electoral district. DPR Members may request relevant institutions, which are compelled to carry out, to follow up on the findings of the Member’s observation and report the accomplishment to the Member.

In association with DPR Members’ rights of Oversight, Commission (Komisi) may demand documents regarding Categories of Expenditure and Activities from Ministries or other governmental institutions. The relevant agencies must provide the documents within 30 days after the Budget law is passed by DPR plenary. It is further regulated that documents of Activities and Categories of Expenditure submitted to Commission will be made available for public access.

There seems to be inconsistency about the rights of Oversight which is the rights of individual Members. DPR, however, authorize Commission to ask for such documents.

Implementation of the rights of Oversight may contravene the verdict of Constitutional Court which states that the role of DPR in the formulation of National Budget is limited to the Organisational Unit, Function and Programs, leaving out Activities and Categories of Expenditure.

It should be noted that the rights of Oversight is exclusive to DPR Members and not available for DPD and DPRD Members.

Another new privilege for DPR Members is the rights to Propose and Advocate development programs for his/ her electoral district (article 80 subsection j). With this right, DPR Members will have a strong formal bargaining position to propose national budget allocation for programs to respond to the needs of their constituents.

The new law also formally grants DPR Members the right to disseminate bills and laws (article 80 subsection k). This will affect DPR budget and operational support requirement.

Party Caucus/ Fraksi:

Expert Staff have long been involved in providing services to DPR. However, this is the first time that Expert Staff is formally recognised and specifically declared as a component of the supporting facilities provided by DPR Secretariat General for Party Caucus (article 82 points 5,6 and 7).

DPR Organs:

The changes in DPR organs consist of:

1. Liquidation of BAKN;
2. Liquidation of Ethics Committee/ Badan Kehormatan;
3. Establishment of the Court of Parliamentary Ethics/ Mahkamah Kehormatan Dewan.
4. This law, for the first time ever, formally acknowledges Expert Staff as a component of supporting facilities provided by DPR Secretariat General for all organs of DPR (article 83 points 3 and 4).

Speakership of DPR:

The number of Speaker and Deputy Speakers remain the same, i.e. 1 Speaker and 4 Deputy Speaker. Fundamental change occurs in the mechanism to elect the Speaker and Deputy Speakers.

The 2009 law stipulated that the post of Speaker is automatically granted to the party with the largest number of DPR seats. Similarly, the 4 Deputy Speakers are also automatically granted to parties with 2nd, 3rd, 4th and 5th largest number of seats.

Under the 2014 law, the speakership of DPR will be determined through election. Candidates may be nominated by party caucuses as a permanent package (article 84 points 1 and 2). Members will then vote to elect one of the packages, in a plenary.

This method disregards the number of seats secured by parties and is similar to the system adopted in the 2004-2009 DPR. The difference is that in 2004-2009, leadership package applies only in the election of DPR Speakership and not in determining the leadership of DPR organs.

The method to establish Temporary Leadership of DPR who will preside the inauguration plenary, before the permanent Speaker and Deputy Speakers are elected, is also changed. The 2014 law reverts to the pre-2009 system where the Temporary Leadership consists of the Oldest and the Youngest DPR members, from 2 different party caucuses (article 84 point 8).

However, inconsistency is found in article 85 point 2 which states that Temporary Leadership of DPR consists of a Chair and a Vice Chair from 2 different party caucuses with the largest and 2nd largest number of DPR seats.

It should be noted that the mechanism to elect DPR Speakership also applies in the formation of the leadership of all DPR organs. This opens the possibility of a clean sweep of leadership in all DPR organs by a coalition of parties having more than 50% of DPR members. Should this happen, parties which are not part of the coalition will not be allocated quota of leadership. This will be a major breakaway from a long tradition of DPR.

Traditionally, political parties conduct a series of meeting prior to the inauguration of a new DPR term, to determine the system of allocating leadership of DPR organs proportionately to the number of seats won in the election. This convention is based on the spirit of power sharing among parties.

Article 86 point 1 regulates the duties of the Speakers and Deputy Speakers. However, points 2 and 3 of the same article address DPR's autonomy in formulating its own budget and standards of operational costs. The contents of points 2 and 3 are not consistent with the title of the Paragraph, i.e. Leadership/ Speakership.

Deliberation Committee (BAMUS):

The only change in the regulations governing the Deliberation Committee is the insertion of the phrase "to formulate a work plan" in addition to formulating operational budget which will then be submitted to the Household Committee/ BURT (article 92 point 2).

The same insertion is found in articles regulating all DPR organs. This is consistent with DPR's determination to be independent in formulating its own budget and operational cost standards.

The leadership of Deliberation Committee remains to be concurrently held by DPR Speakership.

Commission/ Komisi:

Article 96 point 3 allows DPR to determine the number of Komisi and the number of members of each Komisi. It will be formalised in a DPR resolution.

Leadership of Komisi will be elected in the same manner as DPR Speakership.

The previous law stated explicitly that the composition of Komisi leadership, as well as the leadership of other DPR organs, gives a special consideration to the representation of women. This, however, is absent in the new law.

In accordance to Constitutional Court verdict number 35/PUU-XI/2013 dated 22 May 2014 which governs the role of DPR in the National Budget formulation process, Komisi is empowered to deliberate on the budget proposed by its counterparts (Ministries and equivalent agencies) and specify the budget allocation Functions and Programs for respective Ministries and/ or agencies (article 98 subsections c and f)

Further, Komisi is also empowered to deliberate on and dispense budget allocation for each annual program and multi-year programs for its counterparts (article 98 point 2 subsection h).

As a consequence of the liquidation of BAKN, Komisi undertakes additional duty in the oversight sector, to advise the National Audit Agency (Badan Pemeriksa Keuangan/ BPK) relating to annual audit work plan, operational impediments, as well as the presentation and quality of BPK report (article 98 point 3 subsection c). Unfortunately, the law does not elaborate on additional supporting facilities for Komisi to carry out this duty, such as the services of accountants, financial analysts etc. which were at the disposal of BAKN previously.

Article 98 point 5 subsection 6 firmly declares that resolutions and/ or conclusions of hearings conducted by a Komisi or other DPR organs, is compulsory to be executed by the executives and

those who fail to comply may be subject to sanctions (article 98 point 5 subsections 6, 7, 8 and 9).

Legislation Committee/ Badan Legislasi:

Membership of the Legislation Committee will be expanded significantly. Currently the Committee has the same number of members as Komisi. The new law states that Committee's member will be, at maximum, twice as many as the member of Komisi, with due consideration to representation of Komisi and Fraksi.

The expansion of membership may be designed to accommodate representation of Komisi in the Legislation Committee, similar to the arrangement in the Budget Committee. The motives behind this accommodation need to be ascertained.

The 2014 MD3 law assigns new responsibilities to the Legislation Committee. It now has to monitor and evaluate the implementation of bills passed; to draft, evaluate and amend DPR regulations; to disseminate information regarding the national legislation program (Prolegnas) (article 105 subsections f, g and i)

Budget Committee/ Badan Anggaran:

The 2014 MD3 law specifically states the membership of the Budget Committee to give special attention for the representation of every province (article 108 point 1). This is a new development as currently the membership of the Budget Committee is based on representation of Commissions, nominated by party caucuses.

Another new development is the role of the Budget Committee in synchronising the deliberation of draft National Budget and/ or Revision of the National Budget, to accommodate development programs for electoral districts proposed by DPR Members (article 110 point 1 subsection e). This is in line with the spirit to empower DPR Members in advocating development programs for their electoral district.

Inter-Parliamentary Cooperation Committee/ Badan Kerjasama Antar-Parlemen (BKSAP):

The only change affecting BKSAP is in the method of electing its leadership, conforming to the system applied to all organs of DPR.

Court of Parliamentary Ethics/ Mahkamah Kehormatan Dewan (MKD):

The Court of Parliamentary Ethics is established to preserve the honour and enforce ethics of the DPR as a legislature (article 119 point 2). The Court's existence replaces the role of the dissolved Ethics Committee (Badan Kehormatan).

The law allocates 17 members to the Court, comprising of members from all party caucuses proportionately. Further studies need to be done to find out how the number 17 was derived and what were the factors considered.

One of the Court's duties is to conduct investigation and clarification on charges against DPR Members, including charges against any DPR Member suspected of violating the Oath (article 122

point 1 subsection a). This is a departure from the 2009 law where the Ethics Committee will conduct investigation and clarification upon DPR Members suspected of failing to perform his/her Obligations (article 127 point 1 subsection a of law number 27, 2009) as elaborated in the description of Members' Obligations (article 79 of the same law)

Contrasting from other organs of DPR which are required to submit Performance Report at the end of the DPR term, the law does not require the Court to submit such report.

The exemption to submit accountability/ performance report can be ironic taking into consideration the vast power of the Court, including handing punishment to DPR Members, to approve or to reject summons for criminal investigation on DPR Members, as well as evaluating and amending DPR Code of Ethics (article 122 point 2).

The Court is empowered to approve or reject request from the Police or the Attorney General for summons to question and investigate on DPR Members suspected of a crime (article 224 point 5). Should the Court's written consent is not issued within 30 days, the summons is deemed null and void and does not have legal consequences (article 225 point 7)

The work mechanism and proceedings of the court is meticulously elaborated in 27 articles (articles 123 through 129). Instead of being housed in the law, these details may be better accommodated in a specific DPR Regulation.

Miscellaneous:

The 2014 MD3 law does not specify the number of Sessions and Recesses to be conducted in a calendar year (article 228 point 3). In the past, laws governing DPR always state that DPR conducts 4 Sessions, with a Recess in between Sessions, in a calendar year.

Traditional annual event of DPR and DPD Members attend a common plenary to listen to the President's speech before the commencement of Parliamentary Year (article 199 point 5 of law number 27, 2009), is not found in the 2014 law.

Punishment for DPR Members who fail to attend the plenary and/ or hearings of DPR organs, 6 times in a row without acceptable explanation (article 213 point 2 subsection d of the 2009 law), is not found the 2014 law.

Regulations for Termination, Substitution and Suspension of DPR Members are elaborated in a detailed but concise manner in articles 239 through 244.

Conclusion

The 2014 MD3 law introduced a number of significant changes that emphasizes DPR's determination to be totally independent from the executives while simultaneously encouraging and empowering DPR Members to develop a more effective interactions with their constituents. However, extensive immunity privilege and the barrier to criminal investigation process set forth by this law, raises questions over DPR's commitment to fight corruption and abuse of parliamentary power.

Keeping in mind that the law was passed on the 8th of July 2014, on the eve of the Presidential election, it is reasonable to suspect that political needs of various parties might have been a

dominant factor in certain aspects of the law, such as the reduction of the requirement to endorse the exercise of the rights to Express Opinion.

Inconsistencies found in the law suggest that the law was likely to be passed in a hurry. Again, some quarters in the DPR might have seen 8th of July 2014 as a virtual deadline to pass the law.

When the new DPR takes office on the 1st of October 2014, very likely under a more stable political environment, the new Members may want to propose amendments to this law.